

DEPOSITION OF CLARENCE MOSES

MARCH 17, 2006

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A. POWELL,) Civil No.
THROUGH PERSONAL REPRESENTATIVE) CV04-00428 LEK
MARY K. POWELL; THE ESTATE OF)
JAMES D. LAUGHLIN, THROUGH PERSONAL)
REPRESENTATIVE RAGINAE C. LAUGHLIN;)
MARY K. POWELL, INDIVIDUALLY;)
RAGINAE C. LAUGHLIN, INDIVIDUALLY;)
CHLOE LAUGHLIN, A MINOR, THROUGH)
HER NEXT FRIEND, RAGINAE C.)
LAUGHLIN,)

Plaintiffs,)

vs.)

CITY AND COUNTY OF HONOLULU,)

Defendant,)

and)

CITY AND COUNTY OF HONOLULU,)

Third-Party Plaintiff,)

vs.)

UNIVERSITY OF HAWAII, a body)
Corporate; JOHN DOES 1-10, JANE)
DOES 1-10; DOE CORPORATIONS and)
DOE ENTITIES,)

Third-Party Defendants.)

DEPOSITION OF CLARENCE MOSES

Taken on behalf of Plaintiffs at the Law Offices of Ian L. Mattoch, 737 Bishop Street, Suite 1835, Honolulu Hawaii, commencing at 1:00 p.m. on March 17, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

EXHIBIT "18"

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1 the truck.

2 Q. Okay.

3 A. He went down to the end. And -- well, he didn't
4 stop to pick me up. He kept on going. I had to run all
5 the way behind everybody.

6 By the time running out, Neves jumped in. And
7 when I reached end of the beach, finally grabbed the guy,
8 started swimming him towards the ledge.

9 Q. Do you remember how far out from the ledge Neves
10 was when he found the body?

11 MR. MAYESHIRO: Calls for speculation.

12 THE WITNESS: Answer?

13 MR. MAYESHIRO: You can answer if you know.

14 A. Thirty feet about, give or take.

15 Q. And then what happened?

16 A. Well, tubed him, brought him in, put him on the
17 ledge, started CPR.

18 Q. Neves did the CPR?

19 A. I don't know who started CPR. But Witches Brew
20 is every time -- you take anybody out of there, it's always
21 hard to bring the guy out, because of the terrain. It's
22 not easy. We had to find a spot to bring him out. He was
23 pretty heavy. It took at least three of us. We had a hard
24 time, just three of us, alone.

25 Q. Three of you pulled him out of the water?

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1 A. Yes.

2 Q. Is it your understanding that that was Erik --
3 Jim Laughlin?

4 A. I don't know who he is.

5 Q. You don't remember the name?

6 A. No.

7 Q. Or you didn't know the name?

8 A. Oh, I had somebody there, but I didn't know his
9 name.

10 MR. MAYESHIRO: She's talking about the name of
11 the patient.

12 A. Oh, the patient?

13 Q. So it was you, Neves, Bregman.

14 Was there anybody else who helped?

15 A. Well, I had this one guy was giving me a hand,
16 but he was just running out an extra bottle. He was behind
17 me.

18 Q. Was it an extra bottle of what?

19 A. O2.

20 Q. Do you remember who that was?

21 A. No, he was somebody off the beach. He just said,
22 Do you need a hand? He grabbed that and followed me all
23 the way out. He just dropped it off.

24 Q. You don't remember his name?

25 A. No.

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1 Q. You personally did not perform CPR on this person?
2 MR. MAYESHIRO: Objection. Misstates testimony.

3 A. More than likely, I would have.

4 Q. Oh, you did? You don't know?

5 A. I would have. Because we had three of us there.
6 After -- as you go on, we need to put our stuff on, BSI and
7 all that. Especially when the first two guys are there,
8 they are not really putting anything on. They are just
9 working on the guy.

10 Q. What do you mean, "putting anything on"?

11 A. BSI gloves. We need gloves, glasses, protective
12 wear, that we need.

13 Q. What does "BSI" stand for?

14 A. Body Substance Isolator, or something like that.
15 So you don't get any kind of gook on your hands and touch
16 your eyes or whatever.

17 Q. So you said you were putting that on?

18 A. Yeah, everybody puts it on. That's part of what
19 the training that we do. Everybody puts gloves. Trying to
20 stay substance aware, body fluids and all that kind of
21 stuff.

22 Q. Did you guys take turns giving CPR?

23 A. Yeah, I would say so, yeah.

24 Q. Do you remember?

25 A. Not really, offhand.

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1 Q. That's what you would normally do in a rescue?

2 A. In order for the other guy to get his gloves off,
3 he'll have to jump off the head or chest and somebody else
4 jumps in, and he puts on his stuff.

5 Q. Do you remember approximately how long you
6 administered CPR?

7 A. Well --

8 MR. MAYESHIRO: Calls for speculation.

9 A. Time is not part of the brain. Just the name of
10 the game is get the guy, pump him up, do CPR. Wait for an
11 ambulance. Transport as fast as we can.

12 Q. On the incident report, it indicates 25 minutes
13 that CPR was performed.

14 Does that sound unusual?

15 MR. MAYESHIRO: Vague and ambiguous.

16 A. No.

17 Q. Then after you were performing CPR, what happened
18 with the body? What did you guys do?

19 A. We did CPR all the way to the ambulance. The
20 ambulance came. Got the guy on the stretcher. Put
21 everything together for transport. Walked the guy in.
22 Carried out the equipment and tried to do CPR, the best we
23 can. Got him on the ambulance, and the ambulance took off.

24 Q. And then can you remember about the lapse of
25 time? You just said that time wasn't really a factor.